



**CITY OF WESTMINSTER**

**MINUTES**

## **Planning & City Development Committee**

### **MINUTES OF PROCEEDINGS**

Minutes of a meeting of the **Planning & City Development Committee** Committee held on **Wednesday 27th July, 2022**

**Members Present:** Councillors Ruth Bush (Chair), Jason Williams (Vice-Chair), Robert Rigby, Jim Glen, Mark Shearer, Barbara Arzymanow, Ryan Jude, Amanda Langford and Cara Sanquest

**Also Present:** Councillors Geoff Barraclough, Matt Noble and James Small Edwards

**Apologies for Absence:** Councillor Nafsika Butler-Thalassis, Councillor Md Shamsed Chowdhury, Councillor Paul Fisher and Councillor Ed Pitt Ford

#### **1 MEMBERSHIP**

1.1 There were no changes to the Membership.

#### **2 DECLARATIONS OF INTERESTS**

2.1 There were no declarations of interests.

#### **3 MINUTES AND MATTERS ARISING FROM THE MINUTES**

3.1 Agreed that the minutes of the Planning and City Development Committee meeting held on 30 March 22 be approved.

##### **3.2 Matters Arising from the Minutes**

##### **3.2.1 Minutes 3.2 - Minutes 3.2.1 Draft Early Community Engagement Guidance**

Members were advised that there has been a positive response to the Early Community Engagement guidance amongst the developer community and all interested parties including officers were adapting to the new ways of working regarding pre-application and application engagement. The Guidance is still in its infancy and to date there have been no planning schemes which have fully tested the new engagement process.

3.2.2 The Committee will be provided with further updates on the pilot phase and how earlier engagement has influenced schemes. The committee report template for the Planning Applications Sub-Committees now includes an expanded section identifying the community engagement that has occurred. Officers continue to explore options for how best to introduce a community planning advice or 'Community Champion' service which could provide support to interested parties during the planning engagement.

3.2.3 Minutes 3.2 - 4 National Policy & Planning Reform Update. 4.4 Design and Heritage Supplementary Planning Documents

Members were advised that Design and Heritage Supplementary Planning Documents (SPDs) would be considered through revisions that need to be made to the Council's Local Development Scheme. The Local Development Scheme sets out the planning policy work programme over a 3 year period and includes information on what SPDs we intend to produce. The previous timetable for producing Design and Heritage SPDs will be impacted by new work streams. Members noted that a Design and Heritage SPD would give 'weight to Conservation Area Audits regarding in determining applications.

3.2.4 Minutes 3.2 - 4 National Policy & Planning Reform Update. 4.4 Article 4 Direction

Members were advised that proposals regarding Article 4 Direction for the Central Activities Zone (CAZ) to remove permitted development rights from Class E commercial floorspace to residential have been modified by Central Government and have now been brought into force. The Sub-Committee were reminded that a large area of the CAZ was originally proposed by the council, but Central Government have reduced this, boundary of what area is covered. The areas covered do, however, include the main commercial areas and Policy designated areas in the City Plan such as 'Opportunity Areas', Special Policy Areas, the West End, and CAZ clusters. Members were advised that policies regarding the smaller centres outside the CAZ would be implemented in December 2022 as it can only be brought into force 12 months after this modification was initially consulted on.

Members were reminded that permitted development rights enabled commercial units to be converted into residential units without the need of planning permission. These developments would not be subject to the Council's Planning Policies including The City Plan, London Plan, and Neighbourhood Plans. The Article 4 Direction removes these rights and enables designated areas within the Borough to be subject to the Council's Planning Policies.

3.2.5 Minutes 3.2 - 4 National Policy & Planning Reform Update. 4.4 Weekly List

Members were advised that the Weekly List includes prior approval applications that propose a change of use from Class E to residential. The Committee were advised that there had not been any applications or informal enquiries regarding change of use under these permitted development rights

to date. Members were reminded that some applications were still covered by the existing Article 4 Direction.

3.2.6 Minutes 3.2 - 4 National Policy & Planning Reform Update. 4.4 Affordable Housing and Planning Obligations SPD

Members were advised that consultation on the Affordable Housing and Planning Obligations SPD ended in April 22 and that responses from key stake holders were being reviewed. There have been objections from the Greater London Authority (GLA) regarding the approach to affordable housing, and from the development industry in respect to Carbon Offset fees. The guidance on Affordable Workspace was also viewed as being overly prescriptive. The SPD will be revised and be subject to a viability assessment to ensure that contents do not undermine development viability. It is expected that the revised Affordable Housing and Planning Obligations SPD will be adopted towards the end of the year at the earliest.

3.2.7 Minutes 3.2 - 4 National Policy & Planning Reform Update. 4.5 Late Representations.

Members were advised that the imposition of deadlines for late representations which are submitted to the Planning Sub-Committees would be reviewed and that any proposed changes would be presented to Members for discussion'. The Committee noted that the right to make representations should not be put at risk or be perceived as such. Members noted that late representations can currently be received by the Council up to the start of the Sub-Committee and that this impacted adversely on the ability of Members to consider the contents.

3.2.8 Minutes 3.2 – 5 VAT on New Build and Refurbishment Schemes. 5.3 Incentives for Retrofit rather than Redevelopment.

Members were informed that currently different VAT rates are applied to new build and refurbishment/retrofit schemes differs with a lower rate applicable to new build development. This currently disincentivises refurbishment/retrofit approaches to building renewal and upgrade and favours more carbon intensive redevelopment. The Committee was reminded that as VAT rules are set by Government, achieving any changes to the current position would involve lobbying.

The Committee agreed that officers should prepare a briefing for the Cabinet Member for Planning and Economic Development that sets out the merits of the Council lending its support to existing campaigns to reform VAT levels applied to refurbishment/retrofit schemes. Members were informed that the development community were supportive of the sustainability agenda and was therefore likely to welcome a level playing field for different forms of development.

3.2.9 Minutes 3.2 – 6 Planning Enforcement Team Performance and Local Enforcement Plan.

Members were reminded that Local Enforcement Plans are strategic documents which govern the enforcement activity of a local authority. The Governments' White Paper on 'Levelling Up' sought to strengthen enforcement powers.

The Committee were advised that a greater number of conditions are now imposed on permitted developments under more recently introduced permitted development rights, with this approach likely to continue and become more prevalent in future. This means that the Planning Enforcement Team are required to undertake more work in relation to permitted development than was previously the case. Local Enforcement Plans can identify where enforcement resources need to be focused. Members were advised that resources could be focused in a specific area or be spread borough wide. Officers are currently scoping the contents of the Local Enforcement Plan and would liaise with the relevant Cabinet Members on available options in the autumn. The draft Local Enforcement Plan will be subject to consultations with local communities prior to adoption. All Ward Councillors will also be consulted. The response to this engagement will be used to help shape the finalised Local Enforcement Plan.

#### **4 ANNUAL UPDATE ON PLANNING APPLICATIONS AND APPEALS PERFORMANCE - 2021/22**

- 4.1 The Committee received a report which provided an update on the performance of the Town Planning Service in terms of the timeliness and quality of its planning application decision making and the success rate of planning appeals. The performance of the department over the period between April 2021 and March 2022 continues to exceed the required performance thresholds set by the Department for Levelling Up, Housing and Communities (DLUHC).
- 4.2 Members were advised that the Council was one of the largest planning authorities in the country and this status added unique pressures in relation with dealing with the volume of applications and ensuring that they are dealt with speedily, whilst ensuring that the quality of decision making is maintained. The volume of planning applications was affected by the Covid-19 pandemic; however, these numbers have begun to increase and this trend will be monitored. The Committee were reminded that introduction of Pavement Licences and greater permitted development rights during the pandemic have contributed to a small proportion of the overall reduction in application numbers. Members were informed that, in addition to applications, officers also provided pre-application advice to members of the public, businesses, and developers to enhance application success rates and ensure development proposals are consistent with the development plan.
- 4.3 For major applications, the DLUHC sets a threshold of at least 60% of all decisions being made within 13 weeks or within an alternative timeframe agreed with the applicant. For non-major development, the DLUHC threshold is 70%. For 2021/22 the Council exceeded the DLUHC performance

thresholds for major applications by 28.5% and by 7.7% for non-major applications.

4.4 The DLUHC measures the quality of decision making by Local Planning Authorities (LPAs) by monitoring their success rate at appeal. For both major and non-major development, the DLUHC sets a threshold of not more than 10% of the total number of decisions made by an LPA being subsequently overturned at appeal. The Council continues to operate significantly below these figures for major and non-major development. Whilst there was a fluctuation in the yearly statistics, this is a result of appeals being determined by the Planning Inspectorate rather than the Council. It was noted there was an increase in the number of advertisement appeals allowed. Members were advised that there have been no significant trends that have emerged as a result of the new policies within the City Plan 2019-2040, which was adopted in April 2021.

4.5 Members held a discussion and noted the following: -

- That there was one major application which had been appealed since September 2020. To date there have been no other appeals lodged regarding major scale developments. Members were advised that major applications and large schemes were normally widely consulted on and that developers were more likely to amend applications of this scale to overcome possible grounds for refusal. Members were advised that data on appeals were available on the Council's Website and were in the process of being updated so that they are fully up to date.
- Members noted that the former Paddington Green Police Station application had been subject to a 'Call In' by the Mayor of London and a hearing was scheduled for autumn 2022. There have been ongoing discussions regarding amending the scheme. The appeal against the Council's decision to refuse permission for the redevelopment of Leconfield House is due to be determined by the Planning Inspectorate in the forthcoming months.
- Members were informed that statistics regarding the volume of applications received for 'Other' applications listed in Table 1 of the report included applications such as advertisement consents, listed building consents and approval of details applications. The Committee noted that applications for listed building consent could sometimes be complex.
- Members commented on Table 7 of the report which provided data on the speed of major application decisions of Inner London LPAs and noted that Westminster was at the lower end of the spectrum. Members were informed that a number of the other local planning authorities listed used tools such as extensions of time (EOTs) and planning performance agreements (PPAs) to a greater extent than Westminster and these agreements with the applicant allow LPAs to legitimately remove applications from the statutory 8- and 13-week timeframes set by the DLUHC. Officers noted that whilst EOTs and PPAs allow a greater number of applications to be determined within an agreed timeframe, it does not necessarily equate to decision making being

quicker than when decisions that are made outside of the statutory timeframes without an EOT or PPA in place.

- Members were informed that the service has increased its use of EOTs during 2021/22. EOTs enable a bespoke timetable to be agreed between the applicant and the planning service. The increased use of EOTs, along with other measures, has enabled the planning service to improve its speed of decision making in year during 2021/22, resulting in more favourable comparison with other Inner LPAs than in previous years. Members agreed that when reporting on performance in future, it would be helpful for further information to be provided regarding the use of EOTs, such as the length of extensions of time that had been agreed between the parties.
- Members noted that since April 2022, the Service has provided a discounted pre-application advice fee for advice to householders on energy efficiency and sustainability improvements. Members asked that statistics should be provided in future years on how many pre-application advice requests of this nature had been received.
- Members agreed that it would like to receive more frequent update reports identifying the performance of the Town Planning Service in terms of the timeliness and quality of its planning application decision making and the success rate of planning appeals.
- Members were advised that the cost of appeals would be reported to future Committees and that the Council, like most planning departments, has a contingency budget for legal costs.

## **RESOLVED:**

1. Members considered the contents of the report and noted the ongoing overall good performance of the Town Planning service in terms of its determination of planning applications in a timely manner and defending decisions to refuse permission at appeal.
2. That the Committee receive more frequent update reports which provide an in-year performance update for the Town Planning service in terms of the timeliness and quality of its planning application decision making and the success rate of planning appeals. The report should include statistics on the use of EOTs and the timeframes agreed with applicants and also the cost of appeals.

## **5 DISCUSSION OF THE FUTURE FORMAT AND TERMS OF REFERENCE OF THE PLANNING & CITY DEVELOPMENT COMMITTEE**

- 5.1 The Committee received a report which provided an overview of the current format and terms of reference of the Planning and City Development Committee. The Committee, which they then discussed.
- 5.2 The Planning & City Development Committee comprises 15 members of the Council, consisting: of 10 Majority Party members and 5 Minority Party

members. These members must be members of the Planning Applications Sub-Committees. Attendance of 3 members constitutes a quorum. Planning & City Development Committee meetings are held in a hybrid format, and, unlike Planning Applications Sub-Committee meetings, members of the Committee are able to join the meetings remotely along with those observing the meeting. The Committee currently meets three times a year’.

- 5.3 The Committee considers proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and makes recommendations to the relevant Cabinet Member, has oversight of the practices and procedures of the Planning Applications Sub-Committees, and considers and recommends a training programme for members of the Planning Applications Sub-Committees. The Committee has developed and assisted officers with the introduction of recordings of virtual Planning Applications Sub-Committees.
- 5.4 Councillor Geoff Barraclough, Cabinet Member for Planning and Economic Development, addressed the Committee and advised that his portfolio included planning policies. Councillor Barraclough advised that planning was split into two components, namely the adjudication and decision of planning applications and planning policy. The Committee were advised that there was a drive for economic development and ensuring that the benefits of working and residing in the city are widely spread. Councillor Barraclough’s portfolio also includes the Smart Cities Initiative which aims to review how technology can be used to manage the city and make it more habitable
- 5.5 Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters, addressed the Committee and advised that he would be working in collaboration with Councillor Barraclough on the Environmental SPD. Councillor Noble advised that current mechanisms would be used to maximise affordable housing and work is continuing to produce an Affordable Housing SPD. The Council will also be reviewing the climate impact of its own schemes to ensure that the net zero carbon emission target is met across the city by 2040.
- 5.6 Councillor James Small-Edwards, Deputy Cabinet Member for Planning and Economic Development, addressed the Committee and commented that he would be supporting Councillor Barraclough and will take lead on in certain topics. Councillor Small Edwards advised that he was currently working with officers on the introduction of a Design Review Panel (DRP), work on which was at an early stage’
- 5.7 The Chair hoped that members of the Committee would use their experience of Planning Application Sub-Committee sittings to identify key points and trends in the applications that come before them in order to inform Cabinet Members’ work on developing policy. She also hoped they would share their experiences with each other. The Committee noted that Members would be able to identify trends in the applications that come before them at the Planning Applications Sub-Committees.

- 5.8 Councillor Barraclough commented and welcomed the proposals for the Committee expertise being used to inform policy development and suggested that this is undertaken in a different setting such as informal workshops. The Committee was advised that the redesign of the officer reports to the Planning Applications Sub-Committees could be a possible topic for consideration in a workshop setting. This will ensure that the report formats meet the requirements of the Planning Application Sub-Committee Members. It was agreed that the Committee should continue to meet three times a year for the time being, and that the frequency of their meetings be reviewed at later stage when all Members have gained further experience.
- 5.9 The Legal Officer advised that the Council's Constitution was currently being reviewed and that she would liaise with the Monitoring Officer regarding the timetabling and report back to the Committee. Members were informed that membership of the Committee was allocated on a proportional basis.
- 5.10 The Committee were informed that the room layout for Planning Applications Sub-Committee had been revised following comments from Members and would continue to be assessed to ensure that it is fit for purpose.

## **RESOLVED**

1. Members noted the contents of the Report.
2. That Members inform the Chair about their views on the use of informal workshop to discuss policy ideas and other topics.
3. That Officers provide feedback regarding the work programme and timetable for revising the Constitution.

## **6 SUMMARY OF MEMBER TRAINING DURING 2022**

- 6.1 The Committee received a report which provided an overview of the training that Members have undertaken during 2022. Members were advised that they could put forward topics on which they wish to receive training. The Committee will continue to receive legal updates and there will be ongoing training regarding sustainability. Officers advised that the training work programme would be bespoke to ensure the training needs of the Committee are fully met.
- 6.2 The Chair requested that Members fully engage with their training programme and provide officers with feedback about sessions, and this should include views on contents, format, frequency, facilitators, and possible use of external training resources. The training sessions are open to all Ward Councillors. Members agreed that Ward Councillors should be encouraged to attend these sessions and noted that they would be beneficial when dealing with planning enquiries from constituents.

## **RESOLVED**



1. Members noted the contents of the report
2. That the Committee provide officers with training topics which they wish to be included in their training work programme and give feedback about the format of training sessions, in particular, subject contents, frequency, course facilitators and the use of external providers.
3. That the planning training work programme be published and that all Ward Councillors be encouraged to attend sessions.

## **7 ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

- 7.1 The Committee were requested to remind colleagues that representations regarding planning applications should be based on planning policy grounds. The Chair advised that Ward Councillors are expected to attend the Planning Applications Sub-Committee when making representations. Any Councillor substituting for the Ward Councillor who originally made a representation but who is unable to attend the Sub-Committee meeting should similarly attend the meeting in person, if at all possible.

## **8 DATE OF NEXT MEETING**

- Wednesday 26 October 2022
- Wednesday 29 March 2023

The Meeting ended at 8.10 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_